

REMARKS

Applicants would like to thank the Examiner for his assistance in the teleconference with the Attorney for Applicants, Hugh Matsubayashi, on April 5, 2005. During the teleconference, the Yankowski patent (U.S. Pat. No. 5,751,672) was discussed.

Claims 1-23, 25, 29-30, 32-42, 44-48, 51-72, and 87-95 are pending in the application. Claims 1-23, 25, 29-30, 32-42, 44-48, 51-72, and 87-95 have been rejected and are currently under consideration.

Reconsideration and allowance are respectfully requested.

Status of Pending Claims

The Examiner is thanked for the correction regarding the pending claim status. As indicated by the Examiner, claims 1-23, 25, 29-30, 32-42, 44-48, 51-72, and 87-95 are pending in the application.

Applicants also note that in the Amendment dated November 5, 2004, the status identifier for claim 15 incorrectly indicated that claim 15 was "previously presented." The status identifier for claim 15 should have been "currently amended." The claim listing above correctly shows the present state of all of the pending claims, including claim 15.

Rejections Under 35 USC § 103

Claims 1-23, 25, 29, 30, 32-42, 44-48, 51-72, and 87-95 stand rejected under 35 USC § 103(a) as being unpatentable over Yankowski, U.S. Patent No. 5,751,672. The Examiner states, in part:

Yankowski discloses a distributed entertainment system, e.g., Figs. 4a-8, where a user may via computer, e.g. 32, access a local database, e.g. 128, a remote master database, e.g. 144, 350, or transfer a requested item via a network, e.g. 44, from the remote database to the entertainment system. Yankowski does not explicitly use the terms wide area network (WAN) or graphical user interface (GUI). However, Yankowski contemplates other systems, e.g. cols. 6-7, lines 64-3.

As discussed in the telephonic interview with the Examiner, Applicants respectfully traverse the Examiner's rejection and submit that Yankowski fails to establish a *prima facie* case of obviousness of the claims.

Claim 1 recites, in part:

at least one entertainment unit couplable to a wide area network (WAN), the WAN being couplable to a central resource having a central content storage module that stores entertainment content, and including a master list of entertainment content items available through the WAN, the at least one entertainment unit comprising:

... wherein a user, through the user input device and the user interface, may view the master list and the local list of entertainment content items, and request an item from the master list or the local list, wherein if the requested item is not on the local list, the requested item is transferred to at least one of the at least one entertainment units and performed locally in response to the user request. (Emphasis added.)

Yankowski fails to disclose that if the item requested by the user is not on the local list, the requested item is transferred to the entertainment unit and performed locally in response to the user request.

In contrast, Yankowski teaches, in part:

This invention relates generally to the field of audio and audio/video equipment including compact disc (CD) players. More particularly, this invention relates to a CD changer which can access a database which is user searchable and updated upon recognition of an unknown CD. (Col. 1, lines 6-10; emphasis added.)

Broadly speaking, the present invention provides a modem link to a remote database which a user can utilize in order to provide information updates to a memory forming a part of a CD player. The system uses a "fingerprint" of a CD in order to search the remote database for information such as title, track names, artist, etc. Once the CD is identified, the information associated with the CD can be loaded into a local database so that the user can search for desired music, artists, etc. In addition, the information is loaded into the memory of a CD player so that discs stored in the CD player can be readily identified. This is especially useful for large capacity multiple CD players which are also used to store CDs. The user can further use the computer as a simplified control interface to search for selections, build play lists as well as enhance control of the playback operation. (Col. 2, lines 52-67; emphasis added.)

A method of updating a memory in an audio compact disc changer according to an aspect of the invention includes the steps of: reading an identifying portion of a compact disc which uniquely identifies the compact disc; comparing the identifying portion with identifying portions stored in a memory; querying a database residing outside the compact disc

changer for the identifying portion of the disc if the identifying portion is not found in the memory; and downloading data from the database to the memory corresponding to the identifying portion. (Col. 4, lines 5-14; emphasis added.)

As illustrated in TABLE 1, the machine readable data available on the actual CD can be supplemented substantially by the addition of titles of each movement, CD title, Artist, etc. Those skilled in the art will also understand that the database can also include even more detailed information such as composer, producer, record label, as well as any other information which might be of value to the user. (Col. 7, lines 36-43; emphasis added.)

As recited in claim 1, if the item requested by the user is not on the local list, the requested item is transferred to the entertainment unit and performed locally in response to the user request. In contrast, Yankowski describes a system in which the requested item to be performed (e.g., a music track on a compact disc) already exists in the CD player. The remote database provides supplemental information related to the music on the CD already loaded in the CD player, such as the titles of each movement, CD title, artist, etc. Yankowski fails to teach or suggest that the music track itself is transferred from the remote database to the CD player.

For at least these reasons, Yankowski fails to establish a *prima facie* case of obviousness of claim 1 and its dependent claims 2-10, 25, 39-42, 44-48, 51-53, and 87. Applicants respectfully request withdrawal of the Examiner's rejection and allowance of the pending claims.

Independent claim 11 recites, in part:

content management logic to control the entertainment unit such that in response to receiving a request via the user input device for performance of an item from the list of entertainment content items not stored in the local memory device, retrieving the requested item via a WAN and performing the requested item locally in response to the request. (Emphasis added.)

Yankowski fails to teach or suggest a system in which the requested item is retrieved via a WAN and performed locally in response to the request. As a result, Yankowski fails to establish a *prima facie* case of obviousness of claim 11 and its dependent claims 12-15, and

54-60. Applicants respectfully request withdrawal of the Examiner's rejection and allowance of the pending claims.

Independent claim 16 recites, in part:

at an entertainment unit in a venue, the entertainment unit comprising a network interface for coupling to a WAN, receiving a request for an item of entertainment content from a user, wherein the request includes a selection from a list of entertainment content, the list including a master list of entertainment content stored in at least one location on a network and a list of local content stored on a memory device on the entertainment unit, the local content grouped according to a common characteristic, but where the selection requests entertainment content not stored on the entertainment unit;

transmitting the request via the WAN to a central management resource remote from the venue;

supplying the requested entertainment content item to the entertainment unit from a memory device on the central management resource, wherein the entertainment content item comprises music or an electronic game;

receiving the requested entertainment content item at the entertainment unit in the venue; and

presenting the entertainment content item to the user upon successful delivery to the entertainment unit. (Emphasis added.)

Yankowski fails to teach or suggest a system in which the requested music or electronic game item is received at the entertainment unit and presented to the user in response to the request. As a result, Yankowski fails to establish a *prima facie* case of obviousness of claim 16 and its dependent claims 17-23, 61, and 88. Applicants respectfully request withdrawal of the Examiner's rejection and allowance of the pending claims.

Independent claim 29 recites, in part:

at least one electronic entertainment device coupled to the network, the at least one electronic entertainment device including a local storage unit, a local cache, a user input device, and a user interface, wherein the user interface displays to a user a local list of entertainment content stored on the entertainment device and the master list of entertainment content available on the network, and wherein in response to a selection of an entertainment content item received by the user input device, the at least one electronic entertainment device determines whether the selected entertainment content item is stored in the local storage unit;

...

if the selected entertainment content is not stored in the local storage unit, the selected entertainment content is requested from the central resource over the network, transferred to the electronic entertainment device, and performed in response to the user request on the electronic entertainment device after being received. (Emphasis added.)

Yankowski fails to teach or suggest a system in which the requested item is transferred to the electronic entertainment device and performed on the entertainment device in response to the request. As a result, Yankowski fails to establish a *prima facie* case of obviousness of claim 29 and its dependent claims 30, 32-34, and 62-67. Applicants respectfully request withdrawal of the Examiner's rejection and allowance of the pending claims.

Independent claim 35 recites, in part:

content management logic configured to control the entertainment unit such that in response to a request via the user input device to perform an entertainment content item not stored in the local memory device:

the entertainment unit requests the requested entertainment content item from the central resource;

the entertainment unit receives the requested entertainment content item from the central resource; and

the entertainment unit performs the requested entertainment content item. (Emphasis added.)

Yankowski fails to teach or suggest a system in which the requested entertainment content item is requested from the central resource, received by the entertainment resource, and performed by the entertainment device. As a result, Yankowski fails to establish a *prima facie* case of obviousness of claim 35 and its dependent claims 36-38, 68-72, and 89. Applicants respectfully request withdrawal of the Examiner's rejection and allowance of the pending claims.

Independent claim 90 recites, in part:

receiving via a user input device a request from the user to perform an entertainment content item not stored on the local memory; and

in response to the request, retrieving the requested entertainment content item from a central resource via the network interface and performing the requested entertainment content item. (Emphasis added.)

Yankowski fails to teach or suggest a system in which the requested entertainment content item is retrieved from the central resource and performed by the entertainment device. As a result, Yankowski fails to establish a *prima facie* case of obviousness of claim 90 and its dependent claims 91-94. Applicants respectfully request withdrawal of the Examiner's rejection and allowance of the pending claims.

Independent claim 95 recites, in part:

content management logic for controlling the operation of the entertainment unit such that in response to receiving a request via the user input device for an entertainment content item not on the local list of entertainment content items, the requested entertainment content item is retrieved from the central resource via the network interface and performed locally in response to the request. (Emphasis added.)

Yankowski fails to teach or suggest a system in which the requested entertainment content item is retrieved from the central resource and performed locally in response to the request. As a result, Yankowski fails to establish a *prima facie* case of obviousness of claim 95. Applicants respectfully request withdrawal of the Examiner's rejection and allowance of claim 95.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Should the Examiner have any questions, the Examiner is invited to call the undersigned Attorney for Applicants at (408) 392-9250.

**EXPRESS MAIL LABEL NO.
EV 419 160 946 US**

Respectfully submitted,



Hugh H. Matsubayashi
Attorney for Applicants
Reg. No. 43,779

MacPherson Kwok Chen & Heid
L.L.P.
1762 Technology Drive,
Suite 226
San Jose, CA 95110
Telephone: (408) 392-9250
Facsimile: (408) 392-9262